

72



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,799	03/19/2004	David Salim Hindawi	UNIV0007	8899

22862 7590 01/03/2007  
 GLENN PATENT GROUP  
 3475 EDISON WAY, SUITE L  
 MENLO PARK, CA 94025

EXAMINER
----------

LEWIS, CHERYL RENE A

ART UNIT	PAPER NUMBER
----------	--------------

2167

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/03/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/804,799

Applicant(s)

HINDAWI ET AL.

Examiner

Cheryl Lewis

Art Unit

2167

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-67 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration:
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-67 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date August 10, 2006.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

1. Claims 1-67 are presented for examination.

### INFORMATION DISCLOSURE STATEMENT

2. The information disclosure statements filed on August 10, 2004, complies with the provisions of MPEP § 609. They have been placed in the application file, and the information referred to therein has been considered as to the merits.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, 4, 5 are rejected under 35 U.S.C. 102(b) as being anticipated by McCall (Publication No.: US 2003/0033396 A1 filed August 6, 2001).
5. Claim 1, McCall teaches a method and system for providing management information.

The method and associated system for providing management information as taught or suggested by McCall includes:

an enterprise console comprising a centrally managed advisory diffusion mechanism and protocol for diffusing advisories across a network (paragraph 0019, 'a

Art Unit: 2167

network advisory system ("NAS")...Advisory information may be information related to a destination facility, i.e. 116, 118, and 120, that relates collected data from the destination facility, i.e., 116, 118 and 120 to various advisory rules or conditions, i.e., criterion that advise the management system of operating and status conditions...'); a plurality of advisories specifying relevance criteria and an action, at least one advisory describing a problem that has been discovered on a client (paragraphs 0019-0021); distributing clients gather advisories and process advisories (paragraph 0028, '...a customer'); and advisories formally target specific states of a computational device and formally specify actions to take in response (paragraphs 0019-0021).

6. Regarding Claim 2, McCall teaches a central sever coupled to a central database, central server storing data in and retrieving data from a central database (paragraph 0027).

7. Regarding Claim 4, McCall teaches a formal descriptive language and advisory comprises a short, clear explanation of a problem (paragraphs 0019-0021).

8. Regarding Claim 5, McCall teaches adding, modifying, or canceling a subscription of a distributed client to one or more advice provider sites (paragraph 0128).

9. Regarding Claim 12, the limitations of this claim has been noted in the rejection of claim 1 presented above. In addition, Uecker teaches advisory diffusion server for gathering advisories from an advisory site (paragraphs 0025, 0027, 0028, 0031, 0035, and 0050); allow authorized personnel to monitor, modify, and maintain computers across any subset of a network (paragraphs 0025, 0027, 0028, 0031, 0035, and 0050);

Art Unit: 2167

displaying any of changes and new knowledge about a network; and reporting any relevance determination and actions to a server (paragraphs 0025, 0027, 0028, 0031, 0035, and 0050).

10. Regarding Claims 13-17, 19-24, 26-29, the limitations of these claims have been noted in the rejections presented above. They are therefore rejected as set forth above.

11. Regarding Claim 18, the limitations of this claim has been noted in the rejection of claim 1 presented above. In addition, Uecker teaches a console for providing a system-wide view of managed computers along with specific characteristics associated actions and for distributing information only to those computers for which information is relevant (paragraphs 0025, 0027, 0028, 0031, 0035, and 0050).

12. Regarding Claim 25, the limitations of this claim has been noted in the rejection of claim 1 presented above. In addition, Uecker teaches relay for offloading a download burden from a server to clients (paragraphs 0025, 0027, 0028, 0031, 0035, and 0050).

13. Regarding Claims 30-67, the limitations of these claims have been noted in the rejections of the claims presented above. They are therefore rejected as set forth above.

#### ***Claim Rejections - 35 USC § 103***

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 3 and 6-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCall (Publication No.: US 2003/0033396 A1 filed August 6, 2001) as applied to claim 1 above, and further in view of Uecker et al. (Patent No. 6,240,394 B1 filed December 12, 1996, hereinafter Uecker).

16. Regarding Claim 3, McCall teaches distributing clients determines relevance of advise (paragraphs 0019-0021) and retrieving properties of a computational device on which a client runs (paragraph 0056).

However, McCall does not expressly teach an advise message.

Uecker teaches an advise message (col. 4, lines 51-58 & 66-67, col. 5, lines 9-13 & 25-49).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the advisory message of Uecker's method with the management advisory system of McCall because the advisory message could enable the management advisory system to advise the customer of his or her responsibilities regarding any critical matters that her or she is responsible for.

17. Regarding Claim 6, Uecker teaches a group of computational devices, specifying action messages, scheduling, and controlling execution when deploying actions proposed by relevant advice messages (col. 4, lines 51-58 & 66-67, col. 5, lines 9-13 & 25-49).

18. Regarding Claim 7, Uecker teaches securely deploying actions of relevant advice messages to a selected group of distributed clients (col. 4, lines 51-58 & 66-67, col. 5, lines 9-13 & 25-49).

Art Unit: 2167

19. Regarding Claim 8, Uecker teaches monitoring status of deployed actions (col. 4, lines 51-58 & 66-67, col. 5, lines 9-13 & 25-49).
20. Regarding Claim 9, Uecker teaches stopping previously deployed actions which have not finished running (col. 4, lines 51-58 & 66-67, col. 5, lines 9-13 & 25-49).
21. Regarding Claim 10, Uecker teaches monitoring status of each computational device while actions are being deployed and executed (col. 4, lines 51-58 & 66-67, col. 5, lines 9-13 & 25-49).
22. Regarding Claim 11, the limitations of this claim has been noted in the rejections presented above. It is therefore rejected as set forth above.

#### **NAME OF CONTACT**

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl Lewis whose telephone number is (571) 272-4113. The examiner can normally be reached on 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cottingham can be reached on (571) 272-7079. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

(571) 273-4113 (Use this FAX #, only after approval by Examiner, for "INFORMAL" or "DRAFT" communication. Examiners may request that a formal paper/amendment be faxed directly to them on occasions.).

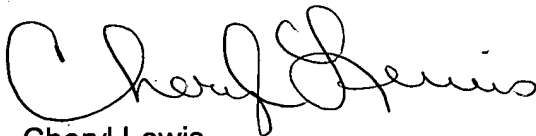
Art Unit: 2167

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/ Technology Center (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Cheryl Lewis". The signature is fluid and cursive, with a large initial "C" and "L".

Cheryl Lewis  
Patent Examiner  
December 22, 2006